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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

V'Guara, Inc.,  
Plaintiff,  
vs.  
Steve Dec. et al.,  
Defendants.

No: 2:13-cv-0076-JAD-NJK

**Order Granting in Part and  
Denying Motion to Supplement  
Summary Judgment Filings [#107]  
and Setting Hearing**

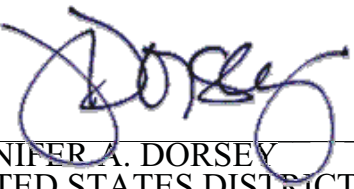
12 Plaintiff V'Guara, Inc.'s Motion for Summary Judgment on liability is pending. Doc.  
13 96. Defendant opposed the motion, Doc. 103, and in its reply brief, plaintiff identified  
14 deficiencies in the declarations that defendant submitted in support of its opposition. Doc.  
15 106; 107. Defendant now moves for leave to file "supplemental or corrected affidavits" of  
16 Val Kranski, Colin Garner, and Donald McLean because the defense failed—"by oversight  
17 or inadvertence"—to have the declarations signed under penalty of perjury. Doc. 107.  
18 Although the request is granted as to Mr. Garner's declaration because this declarant has  
19 made the change and signed the new declaration, it is denied as to Messrs. Kranski and  
20 McLean because the new declarations offered on their behalf contain no authentic signature,  
21 just a "/s/" followed by their typewritten names. *See* Doc. 107-1 at 11, 18. As plaintiff  
22 points out in its opposition to the request for leave, 28 U.S.C. § 1746, which authorizes  
23 unsworn declarations under penalty of perjury in lieu of an affidavit, does not authorize  
24 electronic signatures.

25 Accordingly, IT IS HEREBY ORDERED that Defendant Steve Dec's Motion Seeking  
26 Leave to File Supplemental or Corrected Affidavits in Support of Opposition to V'Guara's  
27 Motion for Summary Judgment [#107] is **GRANTED in part**: the court will accept the  
28 revised affidavit of Colin Garner and directs defendant to file the revised Garner affidavit

1 (Doc. 107 at 12-13) as a “Supplement to Response to Motion to Dismiss” within 5 days. The  
2 motion is **DENIED in all other respects**.

3 IT IS FURTHER ORDERED that the parties shall appear for oral argument on  
4 Plaintiff’s Motion for Summary Judgment [#96] on **December 18, 2014, at 11:00 a.m.**

5 DATED: October 27, 2014.

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9 JENNIFER A. DORSEY  
10 UNITED STATES DISTRICT JUDGE  
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